



# भारत का राजपत्र

## The Gazette of India

अनाधिकार

EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 13th March, 1992:—

BILL No. I of 1992

*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1992.	Short title.
2. In the Eighth Schedule to the Constitution,—	Amend- ment of Eighth Schedule.
(a) entries 7 to 15 shall be re-numbered, as entries 8 to 17, respectively;	
(b) before entry 8, as so re-numbered, the entry "7 Maithili" shall be inserted; and	
(c) after entry 9, as so re-numbered, the entry "10 Nepali" shall be inserted.	

**STATEMENT OF OBJECTS AND REASONS**

Crores of Maithili and Nepali speaking persons reside in our country. These are the dominant languages of the Maithila and lower Himalayan region and are used by a considerable section of our population.

It is high time now that Maithali and Nepali languages are added to the Eighth Schedule of the Constitution and with this end in view, this Bill is proposed to be introduced.

**SATYA PRAKASH MALAVIYA**

## II

## BILL NO. XI OF 1992

*A Bill further to amend the Representation of the People Act, 1951.*

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 1992.

Short title, and commencement.

(2) It shall come into force at once.

43 of 1951.

2. In section 8 of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act),—

Amendment of Section 8.

(i) in sub-section (2)

(a) after clause (d) the following clause shall be inserted namely:—

(e) any law providing for the prevention of child marriage and child labour;

(b) the words "for not less than six months" shall be omitted.

(ii) in sub-section (3) for the words "two years" the words "six months shall be substitute.

Amend-  
ment of  
section 9.

3. In section 9 of the principal Act, in sub-section (1) for the words "five years" the words "fifteen years" shall be substituted.

Omission  
of Section  
11.

4. Section 11 of the principal Act shall be omitted.

Amend-  
ment of  
Section 77.

5. In section 77 of the principal Act, in sub-section (3) for the words "such amount as may be prescribed" the words "rupees five lakhs" shall be substituted.

Amend-  
ment of  
section  
123.

6. In section 123 of the principal Act after sub-section (3A) the following sub-section shall be inserted namely :—

(3AA) The promotion of religious fervour in any manner such as laying of foundation stone, construction or attempt to construct any place of religious worship or declarations relating to construction or demolition of any place of worship or arranging religious gatherings by whatever term called by the leaders of a political party for furtherance of the prospects or the election of the candidates set up by such a political party or for prejudicially affecting the elections of other candidates set up by other political parties.

## STATEMENT OF OBJECTS AND REASONS

Ours is the largest democracy of the world. Therefore, the Governments at the State and national levels are elected by the people. Parliament has enacted many laws to deal with elections to Parliament and State Legislatures and the principal laws amongst them are the Representation of the People Acts 1950 and 1951. The election laws in our country have many flaws which has led to a persistent demand for electoral reforms. The Government is seized of the matter and has already introduced the Representation of the People (Amendment) Bill, 1990 which is a comprehensive Bill and is pending in the Rajya Sabha. However, there are some areas which require our immediate attention. For example, section 8 of the Representation of the People Act, 1951 provides for disqualification on being convicted under various laws. But this section is silent about the laws prohibiting child marriage and child labour, which are the social evils of our society and are continuing despite laws prohibiting them. This section further provides that disqualification will be attracted only where the term of imprisonment exceeds six months in some cases and in other cases it exceeds two years. It forms two categories of offenders firstly those who get imprisonment for less than six months and secondly those who get imprisonment for more than six months even though they have violated laws relating to profiteering and hoarding, psychotropic drugs, smuggling, terrorism etc. Such provision is ridiculous. Hence it has been proposed to abolish such distinction in this Bill and disqualify all such persons prosecuted under these laws irrespective of their term of imprisonment. However, for violation of ordinary laws leniency may be shown by exempting those who were imprisoned for less than six months. Similarly section 11 shows leniency to dishonest Government Servants which should be omitted.

However the most unrealistic area in the electoral laws is regarding election expenses. At present rules framed under section 77 of the Representation of the People Act, 1951 provide for different limits of election expenses for different States. However the maximum expenditure prescribed is rupees One lakh Fifty thousand which is very meagre. Everyone knows that in fact candidates spend much more in the elections. Hence irrespective of the rules it is proposed to fix the amount of election expenses of rupees five lakhs by amending section 77 of the Act.

Similarly it has been proposed to include provision of religious fervour in any form as an election malpractice to stop religious appeals by political parties to win elections.

Hence this Bill.

SURESH PACHOURI

## III

## BILL No. XII OF 1992

*A Bill further to amend the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959.*

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short title and commencement.

Amendment of Section 2.

Amendment of section 3.

1. (1) This Act may be called the Employment Exchanges (Compulsory Notification of Vacancies) Amendment Act, 1992.

(2) It shall come into force at once.

2. In the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 (hereinafter referred to as the principal Act), in section 2.—

(i) for clause (b), the following clause shall be substituted, namely:—

“(b) “employee” means any person who is employed in an establishment to do any skilled or unskilled office work, for remuneration;” and

(ii) in clause (g), for the words “twenty-five or more persons” the words “two or more persons” shall be substituted.

3. In section 3 of the principal Act, in sub-section (1), clauses (c) and (d) shall be omitted.

## STATEMENT OF OBJECTS AND REASONS

There are crores of unemployed persons, mostly youth, who have registered their names in the Employment Exchanges in the country and are waiting endlessly for a call therefrom to get a job. The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 came into force on 1st May, 1960. Even after so many years this Act has not received the purpose for which it was enacted. The number of unemployed persons registered with the Employment Exchanges for getting skilled or unskilled jobs has increased enormously and is increasing day by day. Moreover, this Act is applicable to establishments in the private sector where ordinarily twenty-five or more persons are employed to work for remuneration and is not applicable in relation to vacancies in any employment for doing unskilled office work.

It is, therefore, felt that the provision of compulsory notification of vacancies must be extended to all establishments in private sector where ordinarily two or more persons are employed to work for remuneration and also for vacancies for unskilled office work throughout the country which may help the unemployed persons to get some more jobs through employment exchanges.

Hence this Bill.

SURESH PACHOURI

**FINANCIAL MEMORANDUM**

Clause 2 of the Bill includes unskilled office work in the ambit of the principal Act which may incur some additional expenditure in implementation of the provisions of the Bill. It is estimated that a sum of Rupees Two Crores per annum is likely to be incurred as recurring expenditure from the Consolidated Fund of India.

No non-recurring expenditure is likely to be incurred.

## IV

## BILL NO. XIX OF 1992

*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1992.

(2) It shall come into force at once.

Short title,  
and commence-  
ment.

2. After article 16 of the Constitution, the following article shall be inserted namely:—

Insertion  
of new  
article  
16A.

**“16A.** (1) There shall be equality of opportunity for all citizens in the matter of acquiring a dwelling house of appropriate size for himself and for his family in any part of the territory of India.

Equality  
of op-  
portunity  
in matter  
of acquir-  
ing dwel-  
ling

(2) No citizen shall, on grounds only of religion, caste, sex, descent, place of birth or residence or any of them, be ineligible for, or discriminated against in respect of, acquiring a dwelling house from the State.

houses  
by citi-  
zens any-  
where  
in India.

(3) Every citizen and his family who is unable to acquire a dwelling house shall be provided with a dwelling house by the State in such manner as the Parliament may by law provide

*Explanation:* In this article, the expression “family” means husband, wife and their two dependent minor children.”

## STATEMENT OF OBJECTS AND REASONS

Shelter is one of the essential requirements for human survival on this earth. Therefore, to own a dwelling house is the desire of every man. But majority of the people cannot really fulfil their desire due to rising cost of living. At present it seems an impossibility for most of the citizens. When the population is growing menacingly and job opportunities have become scarce besides continued influx of people to cities from the villages, shelter has become a major problem for most of the citizens living in cities. This problem has led to overcrowding and setting up of *jhuggis* thereby increasing the number of slums which has affected the society as a whole. The country will require 10 crore additional dwelling units by the end of this century. Unfortunately the various housing agencies of the Government have miserably failed in providing houses to the millions of citizens who have registered their names with such agencies with the hope of getting houses of their own. Our country, being a welfare State, must take up the responsibility of providing the basic infrastructure to all its citizens to acquire dwelling houses and in case any citizen is not able to acquire a dwelling house himself, it should be the responsibility of the State to provide him with a dwelling house. The Government must review the various laws regarding land acquisition, housing, rent etc. and amend them in such a way that housing activity gets a boost in the country. The housing agencies of the Government can encourage co-operative housing societies to build houses for their members. The Government has to formulate housing policy with the sole aim of providing affordable housing units throughout the country.

Hence this Bill.

SURESH PACHOURI

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be equality of opportunity for all citizens in acquiring houses. It may be the form of loan, assistance and subsidy and provision of certain other infrastructure required for acquiring houses. It further provides that the State shall provide houses to citizens who are not able to acquire houses themselves. The number of homeless people in our country is not yet known correctly. As the Parliament has been authorised to decide the manner of provision of houses, the exact amount of expenditure to be incurred in this connection will be determined by law to be made by the Parliament. However, at the initial stage, an amount of non-recurring expenditure to the tune of rupees two crore is likely to be incurred from the Consolidated Fund of India.

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SUDARSHAN AGARWAL,

*Secretary-General.*

